



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

512-804-4000 telephone • 512-804-4811 fax • [www.tdi.texas.gov](http://www.tdi.texas.gov)

## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

#### **Requestor Name and Address**

ADVANCED ORTHOPAEDICS  
11800 FM 1960 WEST  
HOUSTON TX 77065

#### **Respondent Name**

HARRIS COUNTY

#### **Carrier's Austin Representative Box**

Box Number 21

#### **MFDR Tracking Number**

M4-13-1348-01

#### **MFDR Date Received**

JANUARY 29, 2013

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "According to ASG Claims Administrator EOB dated 9/26/2012, the claim referenced above was denied due to the time limit for filing having expired. Our records indicate that the claim was filed timely on 4/5/2012. Attached is documentation to establish the initial date of filing. We then submitted reconsideration with the proof of timely filing to ASG Claims Administrator. On 10/24/2012, ASG Claims Administrator responded that no additional reimbursement would be allowed after review of reconsideration."

**Amount in Dispute:** \$1038.00

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "The provider argues that they have supplied proof of timely filing; specifically that the bill was created on April 5, 2012 and was transmitted on the same day. There is a print out that appears to be from the provider's internal system that shows a creation and transmission date at the exact same time. There is no date of service indicated in this print out. Further, there is no explanation from provider of what independent means of transmission were utilized. There is no indication it was transmitted electronically with the name or acknowledgment from their clearinghouse involved. There is no fax confirmation enclosed, nor has there been an indication the bill was mailed with some tracking number or certified receipt. As there is no indication of manner of transmission or confirmation of transmission of this bill, there is no evidence of timely submission and thus no reimbursement is due."

**Response Submitted by:** Thornton, Biechlin, Segreto, Reynolds & Guerra, LC, 912 S. Capital of Texas Highway, Suite 300, Austin, TX 78746

### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
February 16, 2012	Office Visit	\$1,038.00	\$0.00

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

## **Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
2. 28 Texas Administrative Code §133.20 sets out the procedures for health care providers to submit workers' compensation medical bills for reimbursement.
3. 28 Texas Administrative Code §102.4 sets out the rules for non-Commission communications.
4. Texas Labor Code §408.027 sets out the rules for timely submission of a claim by a health care provider.
5. Texas Labor Code §408.0272 sets out the rules for certain exceptions for untimely submission of a claim by a health care provider.
6. The services in dispute were reduced/denied by the respondent with the following reason codes:
  - 29E – The time limit for filing has expired. \*Claim to be submitted no later than the 95<sup>th</sup> day after the date on which the health care services are provided.\*
  - 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.

## **Issues**

1. What is the timely filing deadline applicable to the medical bills for the services in dispute?
2. Did the requestor forfeit the right to reimbursement for the services in dispute?

## **Findings**

1. 28 Texas Administrative Code §133.20(b) states, in pertinent part, that, except as provided in Texas Labor Code §408.0272, "a health care provider shall not submit a medical bill later than the 95th day after the date the services are provided. In accordance with subsection (c) of the statute, the health care provider shall submit the medical bill to the correct workers' compensation insurance carrier not later than the 95th day after the date the health care provider is notified of the health care provider's erroneous submission of the medical bill. A health care provider who submits a medical bill to the correct workers' compensation insurance carrier shall include a copy of the original medical bill submitted, a copy of the explanation of benefits (EOB) if available, and sufficient documentation to support why one or more of the exceptions for untimely submission of a medical bill under §408.0272 should be applied..." Review of the documentation submitted by the requestor finds that the requestor submitted a print out showing a transmittal date of April 5, 2012 to ASG with a procedure of 99203; however, there is not documented proof that this transmittal was received by the carrier; furthermore, the medical bill, submitted with the request for medical fee dispute resolution, is dated January 16, 2013. As such the requestor has not submitted a paper copy of all medical bills related to the dispute, as originally submitted to the insurance carrier, and a paper copy of all medical bill(s) submitted to the insurance carrier for an appeal in accordance with 28 Texas Administrative Code §133.307(c)(2)(J). Therefore, no documentation was found to support that any of the exceptions described in Texas Labor Code §408.0272 apply to the services in this dispute. For that reason, the requestor in this dispute was required to submit the medical bill not later than 95 days after the date the disputed services were provided.
2. Texas Labor Code §408.027(a) states, in pertinent part, that "Failure by the health care provider to timely submit a claim for payment constitutes a forfeiture of the provider's right to reimbursement for that claim for payment." 28 Texas Administrative Code §102.4(h) states that "Unless the great weight of evidence indicates otherwise, written communications shall be deemed to have been sent on: (1) the date received, if sent by fax, personal delivery, or electronic transmission or, (2) the date postmarked if sent by mail via United States Postal Service regular mail, or, if the postmark date is unavailable, the later of the signature date on the written communication or the date it was received minus five days. If the date received minus five days is a Sunday or legal holiday, the date deemed sent shall be the next previous day which is not a Sunday or legal holiday." Review of the submitted information finds no documentation to support that a medical bill was submitted within 95 days from the date the services were provided. Therefore, pursuant to Texas Labor Code §408.027(a), the requestor in this medical fee dispute has forfeited the right to reimbursement due to untimely submission of the medical bill for the services in dispute.

## **Conclusion**

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

## ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

### Authorized Signature

_____	_____	August 15, 2013
Signature	Medical Fee Dispute Resolution Officer	Date

## YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**